

December 1, 2021

VIA IZIS

Anthony Hood, Chairman  
District of Columbia Zoning Commission  
441 4<sup>th</sup> Street, NW, Suite 200-S  
Washington, DC 20001

**Re: Z.C. Case No. 06-11W/06-12W – Application of the George Washington University (the “University” or “Applicant”) for a Modification to a Second-Stage Planned Unit Development and Further Processing of an Approved Campus Plan @ Square 77 for the Foggy Bottom Campus**

Dear Chairman Hood and Members of the Commission:

On behalf of the University, we hereby submit this application to request approval of a modification to the Second-Stage PUD and Further Processing in Z.C. Case No. 06-11J/06-12J (the “**Order**”). The proposed modification relates to Condition 3(b) of the Order, which requires a minimum of approximately 5,000 square feet of retail space, including a minimum of approximately 1,000 square feet of retail space on the ground floor, be located in the District House (as defined below), a residence hall located on George Washington University’s Foggy Bottom campus. The University proposes to eliminate this retail requirement in order to facilitate the University’s plan to provide conventional on-campus dining opportunities restricted to university use. The purpose behind the University’s initiative is to enhance student safety and to address student food insecurity on campus.

The proposed modification arguably constitutes a modification of consequence as it is a proposed change to one condition in the final order. *See* 11-Z DCMR § 703.4. However, out of an abundance of caution, the University has filed the request as a modification of significance.

**I. Background of the Property**

The property is located at 2121 H Street, NW in Square 77, Lot 62 and consists of approximately 33,452 square feet (the “**Property**” or “**District House**”). The Property is

categorized as Institutional on the Future Land Use Map of the District of Columbia Comprehensive Plan and is located in the C-3-C Zone District, pursuant to a PUD-related Map Amendment. The Property is rectangular in shape and fronts on both I Street, NW and H Street, NW. The Property is currently improved with a 12-story residence hall containing approximately 850 beds and two floors of below-ground student life and retail space. District House currently provides approximately 5,656 square feet of retail dining establishments, including a 1,080 square foot coffee shop on the ground floor.

The University Student Center, which houses the GW Campus Store and various offices, is located to the east of the Property. Lafayette Hall, a residence hall, is located a little further to the east. To the west of the Property is the Academic Center. To the south of the Property is Kogan Plaza, Gelman Library and Lisner Auditorium. The Foggy Bottom-GWU Metrorail station is located two blocks west of the Property.

In Z.C. Order No. 06-11/06-12, the Zoning Commission approved the *Foggy Bottom Twenty-Year Campus Plan (2007)*, First-Stage PUD and related map amendment for the Foggy Bottom Campus (“**Campus Plan/PUD**”). The First-Stage PUD identified 16 development sites for future development, including the Property. Z.C. Order No. 06-11I/06-12J, which this application seeks to modify, approved a Second-Stage PUD and further processing application to construct District House.

## **II. Description of the Proposed Modification**

The University seeks to modify Condition 3(b) of the Order, which states, “The Project shall include a minimum of 5,000 square feet of retail space, including a minimum of approximately 1,000 square feet of retail space on the ground floor of the building.”

Elimination of the retail requirement will help facilitate the University’s plan to expand university-only dining opportunities on campus. The University will maintain the current use of food service at the Property and only seeks to restrict that use to the university population. The proposed dining hall in District House will provide an all you care to eat venue under a new dining plan to students that expands accessibility to healthy and affordable food. The University’s on-campus dining hall plan is, in part, a response to concerns over food security on campus. A 2018 report revealed that approximately 40% of George Washington University students experienced food insecurity.<sup>1</sup> Restricting the food services located at District House to the University population will help alleviate this problem by offering students more affordable options. The dining hall format will also enable a more communal setting for students to share meals together and the university-only use will help to enhance student safety.

District House is nestled within the George Washington University campus and surrounded by university-centric buildings, including classrooms, the library and student center.

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<sup>1</sup> Cayla Harris and Sarah Roach, *Nearly 40 Percent of Students Face Food Insecurity: Report*, THE GW HATCHET, December 3, 2018, <https://www.gwhatchet.com/2018/12/03/nearly-40-percent-of-students-face-food-insecurity-report/>.

Restricting use of the food establishments in District House to students only will create a more a traditional on-campus student life experience and improve student safety.

Notwithstanding the change at the District House, the University will continue to provide public-facing retail opportunities on campus and pedestrian-activating uses along the “I Street Retail Corridor” envisioned in the Campus Plan/PUD. First, in conjunction with development partners, the University will continue to develop the retail and food service at “Western Market”, located at 2000 Pennsylvania Avenue, NW and the project located at 2100 Pennsylvania Avenue, NW. These two developments will combine to strengthen the eastern end of the I Street Retail Corridor. Furthermore, the University is also in the process of developing food service opportunities at the University Student Center (which is immediately east of District House) that will be accessible to the public and will further support activity along the I Street Retail Corridor. Finally, the University will also maintain the ground-floor space in District House along I Street as a food service or similar use (it is currently a coffee shop), though access to the space will be limited to the university population.

To effectuate the proposed conversion of the retail space, the University proposes the following changes to the conditions of the order (new language **bold/underlined**/ deleted language ~~struck through~~):

3. The Project shall be used for residential/campus life/athletic ~~and retail uses~~.
  - a. The University shall have the flexibility to adjust the size, number, location and type of student beds and faculty and staff apartments within the Project depending on programming needs over the life of the Project;
  - b. ~~The Project shall include a minimum of approximately 5,000 square feet of retail space, including a minimum of approximately 1,000 square feet of retail space on the ground floor of the building; and~~
  - c. ~~A minimum of 50% of the retail establishments, including the ground-floor retail establishment, shall remain open until at least 9:00 p.m. on a regular basis (e.g. except during holidays, semester breaks, or extenuating circumstances).~~
  
8. The University shall have flexibility with the design of the PUD in the following areas:
  - h. To vary the size, location and design features of the ~~retail~~ **food service** component of the Project, including the size, location, and design of windows, doors, awnings, canopies, signage, and similar features, to accommodate the needs of specific retail tenants and storefront design;

- i. To vary the size, location, type and other features of proposed building signage related to the university use or the ~~retail~~ **food service** use, provided that such signage is permitted under the applicable provisions of the Building Code and the Historic Landmark and Historic District Protection Act and related regulations.

### **III. Consistency with Campus Plan and PUD**

The modification will not materially alter the approved Order or the Campus Plan/PUD. District House will continue to operate as a residence hall and maintain street-activating food service uses.

A modification of significance to a campus plan or PUD must meet the requirements of a Campus Plan or PUD. 11-Z DCMR §§ 302.1; 704.3. Both the Order and the Campus Plan/PUD were approved under the 1958 Zoning Regulations; however, pursuant to Subtitle Z, Section 102.3 of the 2016 Zoning Regulations, a modification application to a vested project shall conform with the 2016 Regulations. The scope of review of a modification of significance is limited to the impact of the modification on the subject of the original application. 11-Z DCMR § 704.4. As set forth below, this application satisfies the standards of review for both a campus plan and PUD.

#### *A. The Modification Satisfies the Standards for a PUD*

In evaluating a PUD, the Zoning Commission “shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 11-X DCMR § 304.3. The Commission evaluates the PUD to determine that the proposed project (i) is not inconsistent with the Comprehensive Plan; (ii) does not result in unacceptable project impacts on the surrounding areas; and (iii) includes specific public benefits and project amenities not inconsistent with the Comprehensive Plan. *Id.* §304.4.

Locating a university campus in the heart of a city presents a number of challenges and requires a thoughtful balance of student and city interests. The University has maintained this balance by partnering with developers to create a mix of uses that complement and enhance the surrounding community. Part of that equation is protecting student interests and enabling the university population a degree of protected community space within the urban environment that surrounds the campus. Although the proposed modification will diminish the amount of public-facing retail provided by the University at the District House property, the University will offset this reduction through additional retail at more public-facing buildings along the I Street retail corridor, including the University Student Center, the “Western Market” food hall, and future retail establishments located at the 2100 Pennsylvania Avenue development.

Allowing this pocket of university-only food opportunities in a residence hall located in the heart of the Foggy Bottom campus will protect the on-campus experience for students. The

elimination of the retail space located at District House will not result in unacceptable impacts on the surrounding area because some of that retail will be relocated nearby and other dining and retail opportunities will be provided in nearby commercial sites operated by the University's development partners. Allowing for this limited-access space on campus will provide a buffer that not only offers students enhanced campus safety and more affordable food options, but by diverting some of the student patronage, will make other public-facing retail more accessible to and focused on the broader community.

Finally, the conversion of the retail spaces within District House to food service spaces limited to the university population will not undermine the public benefits that led to approval of the existing building. As set forth in Finding of Fact 45 of the Order, the public benefits for the PUD were approved at the First Stage PUD stage. These benefits included creation of a campus-wide historic district and ground-floor retail within certain buildings along the proffered I Street Retail Corridor. Importantly, retail was not required at the Property because it contained historic resources that would be retained; rather, it was an additional condition agreed to by the University based on its then active "retail dining plan." *See* FOF 15, 18, 25(a), 45(c). Therefore, removal of the public-facing retail at District House would not eliminate retail that was part of the original First-Stage PUD set of public benefits.

Notwithstanding the fact that the retail at District House was not a foundational requirement of the overall campus-wide PUD, the University understands the important benefits created by such active uses. To this end, the University notes that the replacement university-only space will generate similar street-activating uses, maintain the ground floor food service space (albeit as one limited to students, faculty, and staff), and will create night-time activating uses as well. Moreover, the University notes that within the context of the overall PUD, its development partner on another development site has proffered significant additional funding for another public benefit in the neighborhood at the request of the West End Citizens Association ("WECA") and WECA has acknowledged that this additional benefit offsets any concern that the overall benefits of the omnibus PUD to the community are not being maintained. *See* Z.C. Case No. 06-11V/06-12V (Modification of Consequence to the 2100 Pennsylvania Avenue PUD).

*B. The Modification Satisfies the Standards for a Campus Plan*

Subtitle X, Section 101 outlines the standard of review of campus plans. Notably, university uses shall be located "so that they are not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions." 11-X DCMR § 101.2. This modification request does not alter the current use of the Property for on-campus housing and dining establishments, but merely limits that usage to the University. This restriction on the use will improve the impact of the use on the surrounding community as it will focus any noise, traffic or other objectionable conditions presented by the students to a university-only building.

*C. The Modification is Not Inconsistent with the Comprehensive Plan*

The Property is located within the Institutional land use category on the Future Land Use Plan. This designation includes properties occupied by colleges and universities. The proposed modification will further several policies set forth in the Comprehensive Plan, including the following:

***Policy LU-2.3.5: Institutional Uses*** Recognize the importance of institutional uses, such as private schools, childcare facilities, hospitals, churches, and similar uses, to the economy, character, history, livability, and future of Washington, DC and its residents. Ensure that when such uses are permitted in residential neighborhoods, their design and operation is sensitive to neighborhood issues and neighbors' quality of life. Encourage institutions and neighborhoods to work proactively to address issues, such as transportation and parking, hours of operation, outside use of facilities, and facility expansion. 312.7

***Policy EDU-3.1.3: Economic Clusters and Universities.*** Encourage economic cluster development in areas surrounding university campuses, with a focus on entrepreneurship, mentorship, and business development. 1212.4

***Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs.*** Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District's character, culture, and economy, and that is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas. 1214.7

***Policy EDU-3.3.4: Student Housing.*** Encourage the provision of on-campus student housing in order to reduce college and university impacts on the housing stock, especially the affordable housing stock, in adjacent neighborhoods. Consider measures to address the demand for student housing generated by non-District institutions with local branches. 121.9

The on-campus housing that District House provides enables George Washington University students to enjoy a traditional university experience of living on campus while taking advantage of its location in the nation's capital with all of the opportunities that provides. The on-campus, university-only dining this modification offers will help to foster community among university members and offer students safe and affordable food options while they navigate an otherwise bustling city life experience.

This modification will further the above-referenced goals of the Comprehensive Plan by enhancing the on-campus student housing experience, thus alleviating housing burden on the surrounding community. The plan will also help to balance university growth with neighborhood needs by providing both students more affordable dining options and the community with better accessibility to the adjacent retail offerings the University has collaborated with developers to provide.

#### **IV. Exhibits**

Included with this application are the following materials:

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| <u>Exhibit A</u> | Application Form                            |
| <u>Exhibit B</u> | Authorization Letter                        |
| <u>Exhibit C</u> | Surveyor's Plat                             |
| <u>Exhibit D</u> | Z.C. Orders No. 06-11J/06-12J & 06-11/06-12 |
| <u>Exhibit E</u> | Certification of Notice of Intent           |
| <u>Exhibit F</u> | Property Owner List                         |

A check for the filing fee of \$520 is being sent under separate cover.

**V. Conclusion**

The University requests that the Commission consider this modification request and set down the application for a public hearing at the earliest possible date. Please do not hesitate to contact the undersigned if you have any questions regarding the application.

Sincerely,

/s/  
David M. Avitabile

/s/  
Lee Sheehan

Enclosures

